

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

AUTOMOTIVE INDUSTRIES PENSION
TRUST FUND, et al.,

Plaintiffs,

v.

SOUTH CITY FORD, INC., DAVID J.
GONZALEZ, FLORIDA GONZALEZ, SOUTH
CITY MOTORS, INC., and DOES 1-10,

Defendants.

No. C 11-4590 CW

ORDER GRANTING
PLAINTIFFS' EX
PARTE MOTION TO
FILE UNDER SEAL
(Docket No. 49)

On October 31, 2012, Plaintiffs Automotive Industries Pension Trust Fund and nine of its trustees filed an ex parte administrative motion to file under seal documents associated with their motion for summary judgment. Specifically, Plaintiffs seek to file under seal individual federal tax returns (Form 1040) for Defendants David J. Gonzalez and Florida Gonzalez for the years 2004-2010.

Plaintiffs' filings are connected to a dispositive motion. Thus, to establish that the documents are sealable, Plaintiff "must overcome a strong presumption of access by showing that 'compelling reasons supported by specific factual findings . . . outweigh the general history of access and the public policies favoring disclosure.'" Pintos v. Pac. Creditors Ass'n, 605 F.3d 665, 679 (9th Cir. 2010) (citation omitted). Cf. id. at 678 (explaining that a less stringent "good cause" standard is required to seal discovery documents related to non-dispositive motions). Compelling reasons cannot be established simply by showing that the document is subject to a protective order or by

1 stating in general terms that the material is considered to be
2 confidential, but rather must be supported by a sworn declaration
3 demonstrating with particularity the need to file each document
4 under seal. Civil L.R. 79-5(a).

5 Plaintiffs have satisfied this standard. Plaintiffs' counsel
6 submitted a sworn declaration with the motion that identified the
7 specific tax returns that Plaintiffs seek to file under seal.
8 Declaration of Anne Bevington ¶¶ 3-4.¹ Because these documents
9 are confidential under 26 U.S.C. § 6103, federal courts typically
10 grant litigants leave to file them under seal. See, e.g., In re
11 Hydroxycut Mktg. & Sales Practices Litig., 2011 WL 864897, at *2
12 (S.D. Cal.) (finding compelling reasons to permit a party to file
13 federal tax returns under seal in connection with a motion to
14 dismiss). Accordingly, Plaintiffs' motion for leave to file
15 documents under seal (Docket No. 49) is GRANTED.

16 The Court grants Plaintiff leave to file the following
17 documents under seal:

18 (1) Exhibits 3-9 of Exhibit C to the Declaration of Anne Bevington
19 in support of Plaintiffs' Motion for Summary Judgment; and
20 (2) Exhibits 3-9 of Exhibit I to the Declaration of Anne Bevington
21 in support of Plaintiffs' Motion for Summary Judgment.

22 IT IS SO ORDERED.

23
24 Dated: 11/5/2012


CLAUDIA WILKEN
United States District Judge

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28 ¹ The declaration erroneously numbered ¶ 4 as ¶ 2.